

MINUTES

MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chairman Joe Balyeat, on March 5, 2009 at
10:07 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Roy Brown (R)
Sen. Jim Keane (D)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Joseph (Joe) Tropila (D)

Members Excused:

Sen. Gregory D. Barkus (R)
Sen. Jim Peterson (R)
Sen. Carolyn Squires (D)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 119, HB 138, HB 76, 2/24/2009

Executive Action: HB 76, HB 138, HB 159, HB 160,
HB 171

HEARING ON HB 119

Opening Statement by Sponsor:

00:00:02 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 119, Revise employment laws, including workers compensation.

[EXHIBIT \(bus49a01\)](#)

[EXHIBIT \(bus49a02\)](#)

Proponents' Testimony:

00:05:55 Jerry Keck, Administrator, Employment Relations Division, Department of Labor and Industry

[EXHIBIT \(bus49a03\)](#)

00:09:51 Rep. Margaret Campbell, HD 31

00:10:53 Sen. Barkus arrived.

00:12:26 Jennifer Perez Cole, Coordinator of Indian Affairs, Governor's Office

00:12:45 Bob Worthington, Labor-Management Advisory Council on Workers Compensation (LMAC)

[EXHIBIT \(bus49a04\)](#)

00:14:49 Jason Miller, LMAC

00:15:15 Rep. David Roundstone, HD 41

00:15:45 Rep. Frosty Calf Boss Ribs, HD 15

00:15:59 Dustin Stewart, Montana Building Industry Association

00:17:26 Jon Bennion, Montana Chamber of Commerce

00:17:38 Riley Johnson, National Federation of Independent Business

00:17:54 Carl Schweitzer, Montana Sub-Contractors Association

00:18:17 Robert Rooney, Contractor, White Sulphur Springs

00:22:24 Jacqueline Lenmark, American Insurance Association and Montana Health Systems Managed Care, also for Bruce Spencer, Property Casualty Insurers (PCI), Larry Jones, Liberty Northwest, and Dwight Easton, Farmers Insurance Group

00:23:40 Robert Johnson, Montana AFL-CIO

00:23:58 Kevin Braun, Montana State Fund

00:24:18 Don Judge, Montana Injured Workers Resource Council and Advisory Council on Workers Compensation

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:25:28 Sen. Keane
00:27:11 Jerry Keck
00:27:18 Sen. Brown
00:27:42 Rep. Hunter
00:29:10 Sen. Jackson
00:30:07 Rep. Hunter
00:30:24 Chairman Balyeat
00:30:58 Rep. Hunter
00:31:07 Sen. Jackson
00:31:42 Rep. Hunter
00:32:00 Chairman Balyeat
00:32:32 Rep. Hunter
00:32:54 Chairman Balyeat
00:36:16 Jerry Keck
00:36:40 Chairman Balyeat
00:39:07 Rep. Hunter
00:40:36 Chairman Balyeat
00:40:43 Jerry Keck
00:40:49 Sen. Keane
00:41:12 Rep. Hunter

Closing by Sponsor:

00:41:41 Rep. Hunter

HEARING ON HB 138

Opening Statement by Sponsor:

00:42:15 Rep. Chuck Hunter (D), HD 79, opened the hearing on HB 138, Revise employment safety and occupational health acts.

Proponents' Testimony:

00:44:27 Jerry Keck, Administrator, Employment Relations
Division, Department of Labor and Industry

[EXHIBIT \(bus49a05\)](#)

[EXHIBIT \(bus49a06\)](#)

00:50:26 Jason Miller, Labor-Management Advisory Council (LMAC)
00:51:25 Bob Worthington, Co-Vice Chair, LMAC
00:52:29 Robert Johnson, Montana AFL-CIO, member of Worksafe
00:53:12 Jon Bennion, Montana Chamber of Commerce
00:53:23 Riley Johnson, National Federation of Independent
Business, member of LMAC

00:53:38 Jacqueline Lenmark, American Insurance Association, and Montana Health Systems Managed Care, also for Bruce Spencer, Property Casualty Insurers (PCI), Larry Jones, Liberty Northwest, and Dwight Easton, Farmers Insurance Group

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:54:56 Rep. Hunter

HEARING ON HB 76

Opening Statement by Sponsor:

00:56:09 Rep. Paul Beck (D), HD 59, opened the hearing on HB 76, Generally revise unemployment insurance laws.

Proponents' Testimony:

00:58:00 Roy Mulvaney, Unemployment Insurance Administrator, Department of Labor and Industry

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

00:59:51 Sen. Keane
01:01:19 Roy Mulvaney
01:01:48 Chairman Balyeat

Closing by Sponsor:

01:01:55 Rep. Beck
01:02:40 Chairman Balyeat

Note: Sen. Barkus, Sen. Squires, Sen. Peterson and Sen. Windy Boy were absent when Executive Action began.

EXECUTIVE ACTION ON HB 76

01:02:54 **Motion/Vote:** Sen. Keane moved that **HB 76 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Keane will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 138

01:03:43 **Motion/Vote:** Sen. Keane moved that **HB 138 BE CONCURRED IN**. Motion carried unanimously 11-0 by voice vote. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Balyeat will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 159

01:07:21 **Motion:** Sen. Steinbeisser moved that **HB 159 BE CONCURRED IN**.

Discussion:

01:07:42 Sen. Brown
01:08:08 Chairman Balyeat

01:08:47 **Vote:** Motion carried 10-1 by voice vote. Chairman Balyeat voted no. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Tropila will carry the bill in the Senate.

EXECUTIVE ACTION ON HB 171

01:09:50 **Motion:** Sen. Keane moved that **HB 171 BE CONCURRED IN**.

Discussion:

01:10:31 Sen. Brown
01:10:34 Chairman Balyeat
01:11:24 Sen. Jackson
01:11:28 Chairman Balyeat
01:12:36 Sen. Keane

01:13:12 **Vote:** Motion carried 10-1 by voice vote. Sen. Squires voted no. Sen. Barkus, Sen. Peterson, Sen. Squires, and Sen. Windy Boy voted by proxy. Sen. Brown will carry the bill in the Senate.

01:13:56 Sen. Steinbeisser
01:14:02 Chairman Balyeat
01:14:06 Sen. Brown
01:14:15 Sen. Keane
01:14:48 Sen. Brown

EXECUTIVE ACTION ON HB 160

01:15:07 **Motion:** Sen. Keane moved that **SB 160 BE CONCURRED IN.**

01:15:26 **Motion:** Sen. Keane moved **TO AMEND SB 160.**
EXHIBIT(bus49a07)

Discussion:

01:15:51 Chairman Balyeat
01:15:56 Pat Murdo

EXHIBIT(bus49a08)

01:17:41 Chairman Balyeat
01:17:43 Jacqueline Lenmark, American Insurance Association and
Surety Fidelity Association
01:20:40 Chairman Balyeat

01:22:49 **Vote:** Motion failed 2-9 by roll call vote. Sen. Keane
and Sen. Steinbeisser voted aye. Sen. Barkus, Sen.
Peterson, Sen. Squires and Sen. Windy Boy voted by
proxy.

01:24:13 **Vote:** Motion carried unanimously 11-0. Sen. Barkus,
Sen. Peterson, Sen. Squires and Sen. Windy Boy voted by
proxy. Sen. Brown will carry the bill in the Senate.

01:26:00 Chairman Balyeat

ADJOURNMENT

Adjournment: 11:30 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT ([bus49aad.pdf](#))